

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL JOSEPH MILLER, III : CIVIL ACTION
V. : NO. 02-5141

PHILADELPHIA POLICE DEPARTMENT, :
ET AL.

O R D E R

AND NOW, this 16th day of January, 2003, upon consideration of the motion of defendants City of Philadelphia Police Department and the City of Philadelphia to dismiss, and the plaintiff not having filed a response thereto, **IT IS HEREBY ORDERED** that:

1. The motion is **GRANTED** and plaintiff's claims against the City of Philadelphia Police Department and the City of Philadelphia in Counts I, II and VI of the complaint are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the motion for summary judgment is **DENIED WITHOUT PREJUDICE AS MOOT**.

William H. Yohn, Jr., Judge